

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

PLAYTEX PRODUCTS, INC., a Delaware
corporation,

Plaintiff,

v.

THE PROCTOR & GAMBLE
DISTRIBUTING COMPANY, an Ohio
corporation, and THE PROCTOR &
GAMBLE COMPANY, an Ohio corporation,

Defendants.

CASE NO. C-1-02-391

(Hon. Thomas M. Rose)

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Playtex Products, Inc. in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the following:

1. Dkt. 52, Memorandum Opinion, dated June 4, 2003.
2. Dkt. 116, Entry And Order Granting Defendants' Motion For Summary Judgment Of Non-Infringement Based On *Markman* Ruling, dated November 3, 2003.
3. Dkt. 119, Judgment In A Civil case, dated November 28, 2003.

Plaintiff has ordered the transcript of the May 6, 2003 *Markman* Claims Construction Hearing (Dkt. 46) from the Court Reporter , Leslie J. Foley, for submission to the United States Court of Appeals for the Federal Circuit.

Plaintiff's payment of costs of \$255.00 is being provided contemporaneous with the filing of this Notice of Appeal by hand-delivery to the Clerk of the United States District Court for the Southern District of Ohio, Western Division (Dayton).

Dated: December 23, 2003

Respectfully submitted,

/s/ Paul B. Martins

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal was electronically filed on December 23, 2003. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul B. Martins

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